

12-10-01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

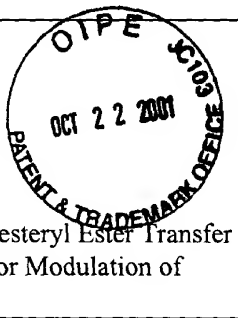
Application of: Rittershaus et al.

Serial No.: 09/529,762

Filed: April 18, 200

Entitled: Xenogeneic Cholesteryl Ester Transfer Protein (CETP) for Modulation of CETP Activity

Atty. Docket No.: TCS-420.1P US



ART UNIT: 1644

EXAMINER: Huynh

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Asst. Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] a Response to an Office Action with attachments and [X] a return postcard.

The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.10

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October 22, 2001

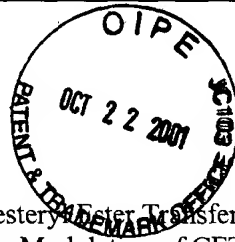
date of mailing and signature

Thomas R. Berka

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Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO RESTRICTION REQUIREMENT

Sir:

Applicants submit this paper in response to an Office Action (Paper No. 6), dated September 21, 2001, in the above-identified application in which the Examiner divided pending Claims 38-52 into six groups. Applicants were instructed to elect a group for prosecution.

No fee is believed to be associated with the filing of this Reply. However, to avoid abandonment, if any fee related to the timely entry of this Reply is due, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-0268.

REMARKS

In the Office Action, the Examiner divided the claims for prosecution into the following six restriction groups:

Group I: Claim 38, as drawn to a humanized rabbit cholesteryl ester transfer protein (CETP) comprising the amino acid sequence of SEQ ID NO:5.

Group II: Claim 39, as drawn to a humanized rabbit cholesteryl ester transfer protein (CETP) comprising the amino acid sequence of SEQ ID NO:6.

Group III: Claims 40-48, 51, and 52, as drawn to a method of modulating the level of endogenous active CETP in a mammal comprising administering to the mammal a whole, non-endogenous CETP from xenogeneic CETP.